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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,485	06/05/2001	Charles William Coffey	1-7-58-16-1	6163
7590	06/23/2005			
Werner Ulrich 434 Maple Street Glen Ellyn, IL 60137			EXAMINER NGUYEN, PHUONGCHAU BA	
			ART UNIT 2665	PAPER NUMBER

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/874,485

Applicant(s)

COFFEY ET AL.

Examiner

Phuongchau Ba Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-14 is/are rejected.
- 7) ☒ Claim(s) 7,8,15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1 and 9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The new matter is "a terminating switch for serving a called number", which is not supported by the original disclosure.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 3-6, 9, 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Schuster (6,771,674).

Regarding claim 1, Schuster discloses Method and System for Forward Error Correction based on Parallel Streams.

Schuster discloses a computer I-fig.2 and the serving switches (PSTN1, PSTN2, and PSTN4, fig.2).

connecting said CPE to a Packet Network (the path between the computer I-fig.2 and an IP network 12-fig.2);

connecting a path between said CPE (computer I-fig.2) and said Packet Network (the IP network 12-fig.2) to a Home Switch (a PSTN4-fig.2) or a Guest Switch (a PSTN1-fig.2) connected to said Packet Network (the IP network 12-fig.2), said Home Switch or said Guest Switch for providing originating service to said CPE, see col.9, lines 28-67;

selecting said one of said Home Switch (the PSTN4, fig.2) or Guest Switch (the PSTN1, fig.2) on the basis of a packet header address based on information from said CPE (the selection of PSTN 4 or PSTN1 based on the destination IP address of the IP Telephone Gateway-ITG corresponding to the destination telephone number, from which the computer I-fig.2 dials to, see col.9, lines 17-21.

Wherein outgoing calls from said CPE (the computer I-fig.2) are originated from the selected switch (PSTN4, fig.2) and terminated on a terminating switch (PSTN1, fig.2) for serving a called number.

Regarding claim 3, In Schuster, the computer I-fig.2 can be served from PSTN1-fig.2 (*one of a plurality of switches*) connecting to the IP network 12-fig.2.

In Schuster, the computer I-fig.2 dials a destination telephone number, wherein each destination telephone number has a corresponding PSTN and its respective ITG. In other words, by dialing a destination telephone number, the computer I-fig.2 is provided with address information of the associated ITG and its switching PSTN, see col.9, lines 16-20.

Regarding claim 4, The system of Schuster includes a connection from the computer I-fig.2 (*CPE*) to the IP network 12-fig.2 (*packet network*) via the ITG3-fig.2 (*gateway*)(*a path from said CPE through a Gateway to said Packet Network*) wherein the ITG3-fig.2 (*gateway*) is illustratively connected to an input port (not shown) of the IP network 12-fig.2 (*packet network*) for transmitting voice data from the computer I-fig.2 (*CPE*) to the IP network 12-fig.2 (*packet network*).

In Schuster, an ITG4-fig.2 (*Home Gateway*) of the PSTN4 (*Home Switch*) or an ITG1 (*Guest Gateway*) of the PSTN1-fig.2 (*Guest Switch*) is illustratively connected to

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an output port (not shown) of the IP network 12-fig.2 (*packet network*) for receiving the transmitted voice data from the calling computer I-fig.2 (*CPE*) if the destination telephone number belongs to one of the telephones associating with the PSTN4-fig.2 (*Home Switch*) or PSTN1-fig.2 (*Guest Switch*).

Regarding claim 5, In Schuster, the computer I-fig.2 (*CPE*) can be reached from a computer I-fig.2 by establishing a call connection (*path*) from the telephone A-fig.2 to the computer I-fig.2 via PSTN1-fig.2 (*Guest Switch*).

Regarding claim 6, In Schuster, the computer I-fig.2 (*CPE*) connects to the PSTN1-fig.2 (*Guest Switch*) through an IP network 12-fig.2 (*packet network*), therefore forming a path between the PSTN1-fig.2 (*Guest Switch*) and the computer I-fig.2 (*CPE*) through the IP network 12-fig.2 (*packet network*).

Regarding claim 9, Schuster discloses Method and System for Forward Error Correction based on Parallel Streams.

Schuster discloses a computer I-fig.2 and the serving switches (PSTN1, PSTN2, and PSTN4, fig.2).

Means for connecting said CPE to a Packet Network (the path between the computer I-fig.2 and an IP network 12-fig.2);

Means for connecting a path between said CPE (computer I-fig.2) and said Packet Network (the IP network 12-fig.2) to a Home Switch (a PSTN4-fig.2) or one or more Guest Switches (a PSTN1-fig.2) connected to said Packet Network (the IP network 12-fig.2), see col.9, lines 28-67;

Means for selecting said one of said Home Switch (the PSTN4, fig.2) or Guest Switches (the PSTN1, fig.2) as a serving switch on the basis of a packet header address based on information from said CPE (the selection of PSTN 4 or PSTN1 based on the destination IP address of the IP Telephone Gateway-ITG corresponding to the destination telephone number, from which the computer I-fig.2 dials to, see col.9, lines 17-21.

Regarding claim 11, In Schuster, the computer I-fig.2 can be served from PTSN1-fig.2 (*one of a plurality of switches*) connecting to the IP network 12-fig.2.

In Schuster, the computer I-fig.2 dials a destination telephone number, wherein each destination telephone number has a corresponding PSTN and its respective ITG. In other words, by dialing a destination telephone number, the computer I-fig.2 is provided with address information of the associated ITG and its switching PSTN, see col.9, lines 16-20.

Regarding claim 12, The system of Schuster includes a connection (*means for connecting a path*) from the computer I-fig.2 (*CPE*) to the IP network 12-fig.2 (*packet network*) via the ITG3-fig.2 (*gateway*)(*a path from said CPE through a Gateway to said Packet Network*) wherein the ITG3-fig.2 (*gateway*) is illustratively connected to an input port (not shown) of the IP network 12-fig.2 (*packet network*) for transmitting voice data from the computer I-fig.2 (*CPE*) to the IP network 12-fig.2 (*packet network*).

In Schuster, an ITG4-fig.2 (*Home Gateway*) of the PSTN4 (*Home Switch*) or an ITG1 (*Guest Gateway*) of the PSTN1-fig.2 (*Guest Switch*) is illustratively connected to (*means for connecting another*) an output port (not shown) of the IP network 12-fig.2 (*packet network*) for receiving the transmitted voice data from the calling computer I-fig.2 (*CPE*) if the destination telephone number belongs to one of the telephones associating with the PSTN4-fig.2 (*Home Switch*) or PSTN1-fig.2 (*Guest Switch*).

Regarding claim 13, In Schuster, the computer I-fig.2 (*CPE*) can be reached from a computer I-fig.2 (*means for calling*) by establishing a call connection (*path*) (*means for connecting*) from the computer I-fig.2 to the computer I-fig.2 via PSTN1-fig.2 (*Guest Switch*).

Regarding claim 14, In Schuster, the computer I-fig.2 (*CPE*) connects to the PSTN1-fig.2 (*Guest Switch*) through an IP network 12-fig.2 (*packet network*), therefore forming a path (means for connecting path) between the PSTN1-fig.2 (*Guest Switch*) and the computer I-fig.2 (*CPE*) through the IP network 12-fig.2 (*packet network*).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster (6,771,674) in view of Hotta (6,836,481).

Regarding claim 2, Schuster discloses all claimed limitations, except the step of *storing said packet address in said CPE* or storing the packet header address in the CPE/gateway.

Hotta discloses Packet Conversion Device and Packet Conversion Method. In Hotta, a client 14-fig.8 (main station) generates a data request packet to a client-side gateway 13-fig.8 (CPE/Gateway), see column 6, lines 7-9; the client-side gateway 13-fig.8 refers to the management table 17-fig.8 stored in the gateway and judges whether an identifier, etc., corresponding to the requested multi-cast data is registered (*stored*). If the identifier, etc., is not registered (*stored*), the gateway 13 registers (*stored*) necessary data. Then, the client-side gateway 13-fig.8 transmits a packet requesting the transmission of multi-cast data to the server-side gateway 11, see column 6, lines 7-15 and see figure 8, figure 9-steps S1-S6, figure 11, steps 4-8.

Hotta and Schuster are analogous art because they are from similar problem solving area of delivering a packet via Internet and a plurality of intermediate gateway nodes from a client to a destination.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Hotta with Schuster.

The suggestion/motivation for doing so would have been to enhance the ability of a system to send packets from a client to a destination via the Internet by employing the stored IP address of a connecting gateway to respective destination.

Therefore, it would have been obvious to combine Hotta with Schuster to obtain the invention as specified in claim 2.

Regarding claim 10, Schuster discloses all claimed limitations, except *storing said packet address in said CPE* or storing the packet header address in the CPE/gateway.

Hotta discloses Packet Conversion Device and Packet Conversion Method. In Hotta, a client 14-fig.8 (main station) generates a data request packet to a client-side gateway 13-fig.8 (CPE/Gateway), see column 6, lines 7-9; the client-side gateway 13-fig.8 refers to the management table 17-fig.8 stored in the gateway and judges whether an identifier, etc., corresponding to the requested multi-cast data is registered (*stored*). If the identifier, etc., is not registered (*stored*), the gateway 13 registers (*stored*) necessary data. Then, the client-side gateway 13-fig.8 transmits a packet requesting the transmission of multi-cast data to the server-side gateway 11, see column 6, lines 7-15 and see figure 8, figure 9-steps S1-S6, figure 11, steps 4-8.

Hotta and Schuster are analogous art because they are from similar problem solving area of delivering a packet via Internet and a plurality of intermediate gateway nodes from a client to a destination.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Hotta with Schuster.

The suggestion/motivation for doing so would have been to enhance the ability of a system to send packets from a client to a destination via the Internet by employing the stored IP address of a connecting gateway to respective destination.

Therefore, it would have been obvious to combine Hotta with Schuster to obtain the invention as specified in claim 10.

2. Claims 7, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster (6,771,674) in view of Fang (US2002/0150230).

Regarding claim 7, Schuster discloses all claimed limitations, except (1) *disconnecting said CPE from said Packet Network*; (2) *reconnecting said CPE to said Packet Network at a different port*; and (3) *recording an identity of said different port for completing calls to and from said CPE at said different port*.

Fang discloses Customer Premises Equipment That Support Multiple Call Control Languages or Multiple Call Agents. The system employs a CPE 107&118-fig.1 connecting to an IP network 106-fig.1 via a trunk gateway 110-fig.1, wherein the trunk gateway 110-fig.1 sets up or tears down RTP and PCM stream as commanded by the call agents 108&109-fig.1, wherein a call agent maybe configured as a server, see page 2-0019 and 0023-0024)(corresponding to (1));

Fang also discloses the CPE 107-fig.1 connecting to the IP network 106-fig.1 via a signaling gateway 112-fig.1, see page 2-0022; page 3-0025(corresponding to (2)); and

In Fang, the memory 192 (not shown but is located in the call agents 108&109-fig.1, see page 2-0020) inherent stores the ports or connections, from which the call agents 108&109-fig.2 are able to provide for the telephone communication over VoIP system, see page 2-0022 (corresponding to (3)).

Fang and Schuster are analogous art because they are from similar problem solving area, transmitting voice packets over Internet.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine call sets up and tears down over IP network by call agents via different gateways of Fang with Schuster.

The suggestion/motivation for doing so would have been to provide the CPE the ability to interact with multiple service providers for obtaining a selection of multiple services.

Therefore, it would have been obvious to combine Fang with Schuster to obtain the invention as specified in claim 7.

Regarding claim 15, Schuster discloses all claimed limitations, except (1)

disconnecting said CPE from said Packet Network; (2) reconnecting said CPE to said Packet Network at a different port; and (3) recording an identity of said different port for completing calls to and from said CPE at said different port.

Fang discloses Customer Premises Equipment That Support Multiple Call Control Languages or Multiple Call Agents. The system employs a CPE 107&118-fig.1 connecting to an IP network 106-fig.1 via a trunk gateway 110-fig.1, wherein the trunk gateway 110-fig.1 sets up or tears down RTP and PCM stream as commanded by the call agents 108&109-fig.1, wherein a call agent maybe configured as a server, see page 2-0019 and 0023-0024)(corresponding to (1));

Fang also discloses the CPE 107-fig.1 connecting to the IP network 106-fig.1 via a signaling gateway 112-fig.1, see page 2-0022; page 3-0025(corresponding to (2)); and

In Fang, the memory 192 (not shown but is located in the call agents 108&109-fig.1, see page 2-0020) inherent stores the ports or connections, from which the call agents 108&109-fig.2 are able to provide for the telephone communication over VoIP system, see page 2-0022 (corresponding to (3)).

Fang and Schuster are analogous art because they are from similar problem solving area, transmitting voice packets over Internet.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine call sets up and tears down over IP network by call agents via different gateways of Fang with Schuster.

The suggestion/motivation for doing so would have been to provide the CPE the ability to interact with multiple service providers for obtaining a selection of multiple services.

Therefore, it would have been obvious to combine Fang with Schuster to obtain the invention as specified in claim 15.

Allowable Subject Matter

3. Claims 7-8, 15-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchau Ba Nguyen whose telephone number is 571-272-3148. The examiner can normally be reached on Monday-Friday from 10:00 a.m. to 2:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DUCHO
PRIMARY EXAMINER

Ducho
6-17-05

Phuongchau Ba Nguyen
Phuongchau Ba Nguyen
Examiner
Art Unit 2665